

Appl. No. 10/690,512
Amdt. Dated: April 3, 2006
Reply to Office Action of: February 2, 2006

REMARKS/ARGUMENTS

1) Summary of Prosecution

Claims 1, 2, 4, 5, 7, 8, 10, and 12 to 13 are pending in the application. Claims 6, 9, 14 and 15 have been withdrawn from consideration. Claims 3 and 11 have been cancelled.

2) Election/Restrictions

Independent claim 14 and dependent claim 15 were added in the previous response to Office action. In the present Office action, these claims are restricted because it is suggested that such claims are "directed to an invention that is independent or distinct from the invention originally claimed". Applicant respectfully traverses this restriction.

Independent claim 14 is merely originally filed independent claim 10, with the added limitation that "the cutting edge is not parallel to the axis of rotation". Hence claim 14 is essentially a dependent claim of original claim 10. Accordingly, claim 14 is not distinct from the invention originally claimed. No further search need be done because the search conducted for original claim 10 would have revealed prior art applicable to claim 14. Claim 15 depends from claim 14, and should not be restricted for similar reasons.

Applicant respectfully requests that claims 14 and 15 be maintained in the present application.

3) Anticipation (35 USC 102(b))

Claims 1, 2, 4, 5, 7, 8, 10, 12 and 13 are rejected as anticipated by Anderson (United States Patent No. 3,084,582). Of these claims, claims 1 and 10 are independent. Applicant respectfully traverses this objection as follows.

Claim 1 has been clarified by stating that the counter-knife is a "stationary counter-knife". In the Anderson reference, both blades 19 and 20 are movable (see the arrows in FIG. 1, 3, 4, and 5; col. 2, lines 66-67). Accordingly, claim 1 and all claims dependent thereon are not anticipated by the Anderson reference.

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Claim 10 is not anticipated by the Anderson reference. Claim 10 has a "cutting edge being differentially radially spaced from the axis of rotation". It is not clear from FIGS 7 and 8 of the Anderson reference that the cutting edge is "differentially radially spaced".

If the Anderson blades are considered to have edges that are differentially radially spaced, then such blades cannot "conform radially" to each other as set out in claim 10. Blades 19 and 20 of the Anderson reference are positioned in mirror relation to one another (see FIGS 1, 2, 7 and 8). FIG. 2 clearly shows the blades 19 and 20 overlapping at tips 50 and 51 (see the dashed lines indicating that tip 51 is behind tip 50). If blades 19 and 20 conformed to one another radially, then the blades would not overlap at any point.

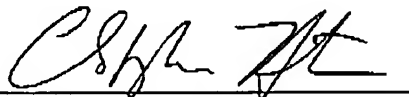
Conversely, if the Anderson blades 19 and 20 are considered to not overlap, then the blades are straight edges parallel to one another (ignoring tips 50 and 51). If this is the case, then the edges are not "differentially radially spaced from the axis of rotation" (they are uniformly radially spaced), and do not anticipate claim 10.

Accordingly, the Anderson reference does not anticipate claim 10, or any claims dependent thereon.

4) Closing Remarks

In view of the above comments, the Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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